

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

**Senate:**

**SB 20** (Sen. Carpenter) – designates October as Anti-Bullying Month in Kentucky and a purple and yellow ribbon as the symbol for anti-bullying awareness.

**SB 49** (Sen. Julie Denton) – amends KRS 339.210 (KRS Chapter 339 oversees child labor laws) and amends the “gainful occupation” definition to exclude minors who are at least twelve (12) years of age working as a referee, umpire, or official in a youth athletic program in the following instances: 1) if the minor is referee, umpire, or official for an age bracket younger than the minor's own age; 2) an adult representing the youth athletic program is on the premises where the athletic event is occurring; and 3) the minor has on file with the person responsible for assigning the minor to officiate for the youth athletic program the original or a copy of a written consent to the child's employment as a referee, umpire, or official signed by the minor's parent or guardian.

**SB 109** (Sen. Hornback) – prohibits the sale, through retail and vending machines, of tobacco products to minors. The bill adds to the prohibition and defines the terms “alternative nicotine product” and “vapor product” which includes electronic cigarettes.

**SB 158** (Sen. Humphries) – renames the statutes overseeing education of students and personnel in postsecondary education institutions regarding the dangers of fire and methods of fire prevention, and to investigate the source of any fires or threats of fire “The Michael Minger Life Safety Act.”

**SB 159** (Sen. Buford) – permits primary care centers to provide Medicaid managed care dental care programs on the grounds of a public school or at a Head Start program. Local school districts can bill Medicaid for services listed in the student's IEP that address a medical or mental disability. Dental services are not approved services for schools to seek reimbursement from Medicaid.

**SB 176** (Sen. Harper-Angel) – expands the Cabinet for Health and Family Services' (CHFS) statewide service program to include an expanded definition of caregiver to include an adult relative with whom a minor resides but isn't the biological parent, including a grandparent, step-grandparent, step-parent, aunt, uncle, or any other adult relative of the minor. This includes establishing an affidavit for caregivers to authorize health care treatment and school-related decisions for children in their care. School-related decisions may include, but are not limited to: enrollment, attendance, extra-curricular activities, discipline, special education and related services and other school-related activities, if the caregiver presents a duly executed affidavit to the school. (Current federal and state law already allow an adult person, without formal guardianship or custody but with whom the child resides, to enroll the child in the district of the adult's residence if the child is in the adult's charge and residing in the adult's residence.)

**SB 192** (Sen. Palmer) – includes special law enforcement officers employed by school districts in the definition of “police officer” and allows special law enforcement officers employed by school districts to be eligible for certain Kentucky Office of Homeland Security grants for the purchase of body armor; firearms or ammunition; and electronic control devices, electronic control weapons, or electro-muscular disruption technology. (Same provisions in **HB 128**.)

**SB 200** (Sen. Westerfield) – makes significant changes to the juvenile justice system. The bill requires the Justice and Public Safety Cabinet to create a fiscal incentive program to encourage local collaboration. Also creates a Juvenile Justice Oversight Council that will include members

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

from several different agencies involved with juveniles. The commissioner of education is a member as well as one member is reserved to represent public schools or an education group.

The bill requires local schools to report disruptive behavior incidents. Current law requires directors of pupil personnel (DPPs), for any action brought to enforce compulsory attendance laws, to document the home conditions of the student and the intervention strategies attempted. The legislation updates this provision to allow DPPs, after consulting with the court-designated worker, to refer the case to the newly created “family accountability, intervention, and response team”. Each team will include a representative from a local public school within the judicial district.

**House:**

**HB 2** (Rep. Stumbo) – establishes the Kentucky Coal County College Completion Program to include the Kentucky Coal County College Completion Scholarship and the Kentucky Coal County College Completion Student Services Grant. HB 2 defines student and institutional eligibility for scholarships and grants and the maximum grant amounts. The scholarship program is funded from coal severance tax receipts.

**HB 5** (Rep. Butler) – addresses the safety and security of personal information held by public agencies and requires public agencies and nonaffiliated third parties to implement, maintain, and update security procedures and practices, including taking any appropriate corrective action to safeguard against security breaches. Any security and breach investigation procedures implemented by local school districts must be in accordance with any regulations promulgated by the Kentucky Board of Education (KBE).

**HB 26** (Rep. Rowland) – specifies that school district employees considered full-time under the federal Affordable Care Act are eligible for the state-funded contribution for the state health insurance plan offered by school districts.

**HB 75** (Rep. Graham) – expands the number of components within the superintendent's training program and assessment center and requires a superintendent to complete the assessment center process within two years of taking office as a superintendent.

**HB 79** (Rep. Richards) – allows a local board of education to provide services to refugees and legal aliens until the student graduates or until the end of the school year in which the student reached the age of 21, whichever occurs first.

**HB 87** (Rep. Yonts) – requires the Kentucky Center for Education and Workforce Statistics (KCEWS) to disseminate, in cooperation with the Council on Postsecondary Education (CPE) and the KDE, information on the employment and earnings of the public postsecondary institution graduates in Kentucky. This information must be updated at least every three (3) years and must be posted on the websites of KCEWS, CPE, and each public postsecondary institution. The website address must also published in each institution's catalogue. The information must be made available to every high school guidance and career counselor.

**HB 98** (Rep. Damron) – allows health services provided in a school setting to be administered by a nonlicensed health technician. Beginning July 15, 2014, local boards must have at least one school employee at each school who has met the training requirements outlined to administer or assist with the self-administration of glucagon subcutaneously; insulin subcutaneously; or a

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

seizure rescue medication. Parents must annually provide the school with a written authorization to administer the medication at school and a written statement from the health care provider outlining required information. Students with diabetes can also self-administer medications and blood glucose checks but must also have written authorization from the parent and physician.

The law includes liability protections for the nonlicensed health practitioner if the student has a reaction to the medication (but no liability protections are extended for negligence or misconduct). School nurses must check the expiration date monthly on each medication in the possession of the school and must inform the parent at least one (1) month prior to the expiration date of each medication.

Also, beginning July 15, 2014, a school district shall permit a student who has diabetes or a seizure disorder to attend the same school the student would attend if the student did not have diabetes or a seizure disorder. Such a student may only be transferred to a different school based on health care needs if the individualized education program team, the Section 504 team, or if appropriate, the student's health services team, makes the determination that the student's health condition requires that the student's care be provided by a licensed health care professional at a different school. The team must include the parent or guardian and the parent or guardian may invite the student's treating physician to the team meeting. The team must consider the physician's input, whether in person or in written form, when making this determination.

**HB 128** (Rep. Damron) – includes special law enforcement officers employed by school districts in the definition of "police officer" and allows special law enforcement officers employed by school districts to be eligible for certain Kentucky Office of Homeland Security grants for the purchase of body armor; firearms or ammunition; and electronic control devices, electronic control weapons, or electro-muscular disruption technology. (Same provisions in **SB 192.**)

**HB 138** (Rep. Yonts) – beginning January 1, 2015, the Personnel Cabinet must also offer health flexible spending account for employees insured under the Public Employee Health Insurance Program. If a public employee waives coverage provided by the employer under the Public Employee Health Insurance Program, the employer must forward a monthly payment not less than \$175 for that employee as an employer contribution to the health flexible spending account.

**HB 154** (Rep. Denham) – creates a certification process and specifies annual training requirements for school finance officers. Requires the commissioner of education to provide annually to the Interim Joint Committee on Education a written report on each district's current financial standing. The bill also updates training requirements for local board of education members. For all local board members who begin their initial service on or after January 1, 2015, annual in-service training requirements will be 12 hours for those with zero to eight years of experience and eight hours for those with more than eight years of service.

**HB 170** (Rep. Flood) – updates requirements for the utility gross receipts license tax for schools. Adds the provisions to exempt from the local license fee or tax amounts paid to insurance companies or surplus lines brokers by self-insured groups consisting of governmental entities (Similar provisions in **HB 432.**)

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

**HB 211** (Rep. Adkins) – rolls three bills into one. First, it confirms Executive Order 2013-518, which reorganizes various offices in the Education and Workforce Development Cabinet (EWDC). Second, it adds the provisions of HB 383 HCS, which defines "minimum school term," "student attendance day," "student instructional year," and "teacher professional day." It also establishes a process to amend a school calendar due to an emergency and allows a student attendance day to exceed seven hours, under specific conditions. Third, the bill also adds the House and Senate compromise on granting relief for the 2013-2014 school year due to inclement weather.

**HB 232** (Rep. Riggs) – requires consumer notification when a data breach reveals personally identifiable information. The language also requires cloud computing service providers contracting with educational institutions to maintain security of student data and allows the KBE to promulgate regulations as needed.

**HB 235** (Rep. Rand) – the State/Executive Branch Budget provides appropriations and financing for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

SEEK Funding was increased by approximately \$189 million to cover mandated certified and classified salary increases for school district employees (1% in FY15 and 2% in FY16).

The per pupil guarantee increased from \$3,827 in FY14 to \$3,911 in FY15 and \$3,981 in FY16.

Flexible Focus grants were increased by approximately \$30 million in FY15 and approximately \$61 million in FY16 (including an expansion of Preschool from 150% to 160%). A breakdown is provided below:

<b>Flexible Focus Grants</b>	<b>Current (FY14)</b>	<b>FY15</b>	<b>FY16</b>
Extended School Services	\$12,301,200	\$19,105,900	\$25,510,700
Professional Development	\$5,370,000	\$8,848,800	\$11,927,700
Safe Schools	\$4,157,400	\$7,267,800	\$10,378,300
Instructional Resources	\$0	\$16,700,000	\$16,700,000
Total Flex Focus w/o Preschool	\$21,828,600	\$51,922,500	\$64,516,700
Preschool Expansion	\$71,315,300	\$71,315,300	\$90,113,200

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

Also, other items included:

- Technology funding was increased by \$2,900,000 in FY15 and \$5,800,000 in FY16 to provide increased bandwidth to local school districts.
- \$800,000 was appropriated for a Statewide IT Academy in FY16 only.
- CTE was appropriated with \$3,000,000 in each fiscal year for additional staffing in Area Technology Centers.
- \$250,000 was appropriated for a Regional Collaborative Career Academy in FY15 only.
- \$800,000 in FY15 and \$1,200,000 in FY16 was appropriated for Advance Kentucky.
- \$500,000 in increased funding was appropriated each fiscal year for State Agency Children.
- \$250,000 was provided in both fiscal years for Teach for America.

In addition, the budget also included salary increments for all state employees in FY15 as follows:

<b>Annual Base Salary or Wages</b>	<b>2014-15</b>
\$0 to \$27,000.00	5%
\$27,000.01 to \$36,000.00	3%
\$36,000.01 to \$50,000.00	2%
\$50,000.01 and above	1%

In FY16, a 1% salary increment is provided for all state employees.

**HB 279** (Rep. Denham) – makes changes to Kentucky's Affordable Prepaid Tuition (KAPT). The bill establishes a utilization period beginning with the projected college entrance year and continuing for the number of prepaid tuition years purchased. The bill also limits the earnings growth of a KAPT plan to three percent. The law also requires KAPT to cease all operations by June 30, 2028.

**HB 331** (Rep. Riggs) – relates to municipal reclassification. The bill classifies a city of the first, second, third, fourth, or fifth class as a “designated city”. KDE will maintain a list of the “designated cities” on its website.

**HB 432** (Rep. Horlander) – exempts from tax any premiums paid to an insurance company or surplus lines broker by nonprofit self-insurance groups whose membership consists of school districts. (Similar provisions in **HB 170**.)

**HB 445** (Rep. Rand) – amends various revenue and tax measures. Also adds the language from HB 532 and creates an emergency and targeted investment fund (restricted fund) administered by the School Facilities Construction Commission (SFCC). Any funds appropriated and not expended by SFCC will be transferred into this emergency and targeted investment fund and any unexpended monies are carried forward to the next fiscal year. SFCC can utilize the fund to offer grants for the financing of construction and major renovation projects if a facility is: 1) destroyed or severely damaged by an emergency; 2) destroyed or severely damaged through a criminal or negligent act; 3) rendered structurally unsound, hazardous, or uninhabitable as determined by local authorities or the commissioner of education; or 4) reasonably expected to be rendered uninhabitable within the course of two years as determined by local authorities or the commissioner of education.

**2014 Regular Session of the Kentucky General Assembly**  
**Enacted Legislation**

If a school district receives assistance from the SFCC and subsequently receives funds for the original facility, as a result of litigation or insurance, the district must reimburse the fund an amount equal to what was received.

SFCC, in cooperation with KDE, must promulgate administrative regulations establishing the process to apply for and receive funds from the emergency and targeted investment fund. The SFCC must report on the fund's activities to the Legislative Research Commission by October 1 each year.

**HCR 11** (Rep. Rowland) – encourages the Kentucky High School Athletic Association, local school districts, and schools to voluntarily promote trapshooting as a high school sport.

**HJR 19** (Rep. Nelson) – honors Kentucky Retired Teachers by establishing the third week of October to be Kentucky Retired Teachers' Week.

NOTE: The Attorney General has opined (**OAG 14-001**) that legislation passed during the 2014 Regular Session of the General Assembly, *except for general appropriation measures and those containing emergency or delayed effective date provisions*, will become effective on **July 15, 2014**.